

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

ROSA CECILIA NAVARRETE DE PEDRERO,
*Individually, and as Representative of the Estate
of Sergio Pederero, ET AL.,*

Plaintiffs,

v.

ORDER
08-CV-117S

SCHWEIZER AIRCRAFT CORP.,

Defendant.

1. This Court received this wrongful death action on February 8, 2008, after transfer from the United States District Court for the Southern District of Texas. (Docket No. 32.) On June 16, 2008, Defendant filed a Motion to Dismiss for *forum non conveniens*. (Docket No. 52.) This Court referred Defendant's motion to the Honorable Leslie G. Foschio, United States Magistrate Judge, on June 30, 2008, for the issuance of a Report and Recommendation pursuant to 28 U.S.C. § 636(b)(1)(B). (Docket No. 57.)

2. On January 21, 2009, Judge Foschio filed a Decision & Order and Report & Recommendation, which, in pertinent part,¹ recommends that Defendant's Motion to Dismiss for *forum non conveniens* be granted. (Docket No. 75.) Plaintiffs filed objections to the Report & Recommendation portion of Judge Foschio's decision on February 24, 2009, which Defendant responded to on March 11, 2009. (Docket Nos. 79, 81.) This Court took the objections under advisement without oral argument.

¹ Judge Foschio issued a combined Decision & Order and Report & Recommendation because he also had two non-dispositive motions before him, which he resolved through his Decision & Order. Only the Report & Recommendation, which relates to Defendant's Motion to Dismiss, is at issue here.

3. This Court has carefully reviewed the Report & Recommendation section of Judge Foschio's Decision & Order and Report & Recommendation, as well as Plaintiff's objections thereto, and finding no error, will accept Judge Foschio's recommendation that Defendant's Motion to Dismiss be granted on *forum non conveniens* grounds.

IT HEREBY IS ORDERED, that this Court accepts Judge Foschio's Decision & Order and Report & Recommendation (Docket No. 75) in its entirety, including the authorities cited and the reasons given therein.

FURTHER, that Defendant's Motion to Dismiss on *forum non conveniens* grounds (Docket No. 52) is GRANTED, consistent with Judge Foschio's Report & Recommendation.

FURTHER, that Plaintiffs' Objections (Docket No. 79) are DENIED.

FURTHER, that this case is DISMISSED.

FURTHER, that the Clerk of the Court is directed to close this case.

SO ORDERED.

Dated: March 26, 2009
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge